

NEWPORT BEACH PLANNING COMMISSION MINUTES
Council Chambers – 3300 Newport Boulevard
Thursday, June 23, 2011
REGULAR MEETING
6:30 p.m.

A. CALL TO ORDER - The meeting was called to order at 6:30 p.m.

B. PLEDGE OF ALLEGIANCE – Led by Chairperson McDaniel

C. ROLL CALL

PRESENT: Ameri, Eaton, Hawkins, Hillgren, McDaniel, Toerge and Unsworth

ABSENT (EXCUSED): None.

Staff Present: Kimberly Brandt, Community Development Director, James Campbell, Principal Planner, Gregg Ramirez, Senior Planner, Leonie Mulvihill, Assistant City Attorney, Tony Brine, City Traffic Engineer, Jaime Murillo, Associate Planner, and Marlene Burns, Administrative Assistant

D. RECOGNITION OF CHAIRPERSON EARL MCDANIEL AND COMMISSIONER BARRY EATON FOR THEIR DEDICATION AND YEARS OF SERVICE ON THE PLANNING COMMISSION

Kimberly Brandt, Community Development Director, James Campbell, Principal Planner, and the Commissioners spoke briefly about Commissioner Barry Eaton and Chair Earl McDaniel's accomplishments and thanked them for their dedication and years of service on the Planning Commission.

E. PUBLIC COMMENTS

Dan Purcell, resident, expressed his concerns regarding excessive trash and suspicious activity in front of derelict properties in Corona Del Mar, presented the Commission with pictures of the dirt and debris within the property, and requested that the properties be cleaned up.

F. REQUEST FOR CONTINUANCES – None.

G. CONSENT ITEMS

ITEM NO. 1 Minutes of June 9, 2011

Motion made by Commissioner Ameri and seconded by Vice Chair Unsworth, and carried (5 – 0) with two abstentions to approve the minutes, as corrected.

AYES: Ameri, Eaton, McDaniel, Toerge and Unsworth

NOES: None.

ABSENT: None.

ABSTAIN: Hawkins and Hillgren

H. PUBLIC HEARING ITEMS

ITEM NO. 2 Mariner's Pointe - (PA2010-114)
100 – 300 West Coast Highway

The applicant is seeking a General Plan Amendment (GPA) to accommodate the development of a 23,015-square-foot, two-story commercial building and a three-story parking structure. The following applications are requested or required in order to implement the project as proposed: General Plan Amendment No. GP2010-009, Code Amendment No. CA2010-009, Site Development Review No. SR2010-001, Conditional Use Permit No. UP2010-024, Variance No. VA 2010-004, Parcel Map No. NP2010-008 and Traffic Study No. TS2011-001.

Commissioner Ameri recused himself from this item and left the dais.

A staff report and PowerPoint presentation were provided by Associate Planner Jaime Murillo.

Associate Planner Murillo stated that the project implements the City's goal of improving the Mariner's Mile Corridor, and results in the redevelopment of a dilapidated property. He stated that the City Traffic Engineer has reviewed the parking management plan and that the plan will function adequately.

In response to questions from the Commission, Associate Planner Murillo clarified that the Mariner's Mile Strategic Vision and Design Framework requires a minimum four (4) foot landscape strip from the back of the sidewalk and should have a row of palm trees and hedges to add to the continuity of landscaping along Mariner's Mile Corridor and that the project is consistent with the Mariner's Mile framework related to landscaping.

As proposed there is approximately a 700-square-foot outdoor patio for outdoor dining located within the right-of-way, and Staff is recommending that review of the outdoor patio be deferred until the restaurants actually come in with solid proposals so that Staff can understand the specific operational characteristics and operational hours. Until such time Staff is recommending that the portion of right-of-way be landscaped consistent with the approved landscape plan.

Staff indicated that parking was difficult to determine at this time given that the project is a "shell" building and the specific restaurants are not known. A fairly conservative estimate was made with regard to net public area of the restaurants being sixty (60%) percent of the total gross floor area and there is some flexibility with the project once the restaurants do come in. If there is an increase in parking demand, Staff will be looking to limit the net public area of those restaurants concurrent with the reduction of parking needed. In regard to additional off-site parking and based on the parking demand study, the project only needs nine (9) parking spaces, but the applicant is able to lease twenty (20) parking spaces from the medical office complex. In the future, there may be opportunities on the adjacent commercial properties to lease additional parking spaces should those property owners be willing to do so.

A letter of intent was received from the owner of the medical office building stating that he is willing to provide the applicant with off-site parking for the duration of the eleven (11) years and, if their lease is extended, the owner would be willing to provide an extension to the off-site parking agreement as well. If the off-site parking agreement is approved, the applicant will be required to enter into an off-site parking agreement with the City and the off-site parking owner ensuring that those parking spaces are available.

The delineation of the suites on the floor plans can change since they are just illustrative and no uses have been proposed yet. Condition 19 in the recommended Conditions of Approval should read that "all employees are required to park on-site or at the approved off-site parking lot unless otherwise approved." Based on the proposal from the applicant indicating that the restaurants will be high-quality, low-turnover restaurants, Staff used a parking ratio of one (1) parking space per fifty (50) square feet of net public area and clarified that the Conditional Use Permit states that uses are permitted, or conditionally permitted, consistent with provisions of the Zoning Code and that commercial parking structures do not count toward the total floor area of any commercial project.

Discussion ensued between Associate Planner Murillo, the Commission, and Staff regarding adequate signage for the entrance and exit-only driveways, location of the valet stand, turning radius conditions for passenger vehicles, grade of the driveway, handicapped spaces on each parking level, size of the parking stalls and Staff's recommendation in Condition 3 regarding the outdoor patio area and the parking structure dimensions.

Tod Ridgeway, Developer for VBAS, representing the applicant, thanked Commissioner Eaton and Chair McDaniel for their dedication and years of service on the Planning Commission, gave background history of the project and its design process, spoke regarding the height of the parking structure, the City's demand for restaurants, commented on the parking components of the parking structure and addressed traffic, noise and light impacts.

In response to questions from the Commission, Mr. Ridgeway clarified that the City and City Council are working on relinquishment of a highway out front because one of the issues is not putting the two bridges into the Capital Improvement Plan and mentioned that the Caltrans is "maxed out" and that they have no need for that land.

Todd Stoutenborough, Architect representing the applicant, utilized a PowerPoint presentation.

Commissioner Eaton excused himself from the remainder of the meeting.

In response to questions from the Commission, Mr. Stoutenborough clarified that the height of the façade in regards to the parking structure is approximately twenty-eight (28) feet and stated that cars will not be seen because they are behind the wall, the view of the water will not be impaired, the entry way into the parking structure will be hard to miss because it is approximately thirty (30) feet wide and fourteen (14) feet high, if a person missed the first entry into the parking structure they can still enter through the exit driveway because of the large space and mentioned that the height of the palm trees do not obscure the visibility of street signs.

In response to questions from the Commission concerning parking management, Kynn Knight, Sunset Parking, clarified that there is guest parking until 5:00 p.m. on level one (1) of the parking structure. In response to questions from the Commission, Mr. Knight explained that the parallel valet parking spaces are only intended for peak summer months when the restaurants are extremely busy and an attendant would be stationed with the cars when parked behind handicapped stalls. The parallel parking stalls are included in the total number of parking stalls within the parking structure.

Discussion ensued between Mr. Stoutenborough, Mr. Knight, the Commission and Staff regarding the potential danger of having parallel parking spaces within a parking structure and how it could constrict and slow down the circulation if a fire were to occur, if the handicapped parking stalls on level three (3) are employee-only are there enough handicapped stalls within the parking structure based on its square footage, the City rule regarding valet parking which states that you can move one car to get one car, whether a fire-truck can be pulled into level one (1) of the parking structure and the total number of valet attendants needed to run the parking structure effectively.

Chair McDaniel opened the Public Hearing.

Cameron Mera, resident, expressed his concerns regarding impairment of views of the bay, the height of the proposed three (3) story parking structure is an issue in regards to employees and customers loitering on the roof top, the parking structure will decrease the privacy of the adjacent backyards, the odor and fumes of food from the restaurants will constantly blow into the adjacent properties, the project will create a significant shadow over the rear end of the property making it nearly impossible for any vegetation and ground cover to grow and will result in unstable areas because the sun will be prevented

from hitting the lowest areas of the adjacent properties, issues with the retaining wall and zero lot line variance, noise concerns from the restaurants and outdoor dining patio and stated that the addition of a roof on top of the parking structure will not completely block out all of the noise as proposed.

Maury Dewald, resident, stated that it is a great project except it is in the wrong location and expressed his concerns regarding the variances, the parking management plan, potential traffic in front of the parking structure, and the size of the project.

Mike Hilford, resident, expressed his concerns regarding light pollution issues, and that the actual height of the building will be much greater than what is being proposed.

Laura Tarbox, private fiduciary representing an adjacent property, read a letter of concern from a potential buyer and stated that her property fell out of escrow again because potential buyers have concerns regarding the impact of this project and rumors that there are going to be many variances made that will increase the height and size of the project beyond what would normally be allowed, expressed her concern that the project is much bigger than what the space permits and mentioned her confusion regarding easements, the elimination of the five (5) foot setback and the need to encroach on adjacent property.

Dave Kohn, resident, stated that the projects' proposed architecture is very beautiful but feels that the project requires overbuilding in that area and expressed his concerns regarding the number of assumptions being made, variances in heights and square footage, elimination of the setback, overflow parking at the medical office building, lack of solid restaurant proposals and potential late night noise from the restaurants.

Dan Purcell, resident, expressed his concerns regarding how the restaurants plan on getting rid of waste, grease and food product, asked for a brief description of how the dumpster area will be accessed by the restaurants and what vehicles will be accessing the waste and picking up the trash.

Michael Robertson, resident, expressed his concerns regarding traffic because Mariner's Mile is already a congested area, stated that the project is extremely ambitious but some changes can be made that will still yield the profits that the present owners desire, inquired as to whether the parking structure exit will be right-turn only, mentioned concerns regarding noise and odor from the restaurants, the precedent set by the project being built in such a congested area, impacts on the quality of life for residents in that area, stated that he is opposed to the project as it stands but is encouraged by the thought given to developing that area and commended everyone for their hard work and time put into this project.

Tom Lally, resident, stated that the noise factor will disturb the tranquility of the residents and their properties, expressed his concerns regarding noise from the parking structure and outside dining patio and stated that this project is intolerable for residents living in Newport Beach.

Ron Hendrickson, resident, stated that it is a beautiful project but it is over-scaled for the size of property in question, expressed his concerns regarding the project owners' lack of experience as a shopping center operator and the fear that the project might not be successful, actual access into the project from the street, the right-turn only exit requiring customers to travel a far distance in order to make a u-turn if they want to head east-bound, mandatory valet parking, the number of conditions that raise questions about the convenience of getting to the shopping center and suggested that the Planning Commission take into account the circulation situation getting to and from the shopping center.

Jack Geerlings, resident, stated that he is opposed to the Mariner's Mile project as presented because the project is way over-built, the parking structure takes up more than half of the property cramping the retail space into the east part of the property, stated that if the parking structure were underground the project would not be as big of an issue as it is now, the parking structure exceeds the thirty-one (31) foot height

limit, noise from the parking structure, the proposed roof covering the parking structure is only partial leaving the front of the parking structure open allowing noise to filtrate out, granting of the five (5) foot variance setback should not be allowed because it constitutes a special privilege inconsistent with the limitations on the other properties, traffic concerns including serious accidents that may occur due to the three lanes merging into two, vehicles exiting the right-turn only exit and the u-turns customers must make in order to head east-bound and the fact that these massive building structures will reduce the property values on adjacent homes on the hill.

Chair McDaniel closed the Public Hearing.

In response to public hearing comments and concerns, Mr. Ridgeway, spoke regarding the requested height increase of the parking structure, a letter referencing the specific design of the project, stated that the variance goes into a cliffside on the projects' property, addressed noise concerns, stated that they have protected the view so there is no view blockage, stated that the hard surfaces on the back of parking structure will not allow for noise to emanate from the parking structure, addressed traffic concerns mentioning the highway allows for u-turns and capture intervals on the traffic signals at Dover and the Bay Club, stated that this project will not set a negative precedent due to the uniqueness of the property, stated that there are some issues with the way the codes are drafted and written, stated that the parking structure will attenuate noise and light impacts, stated that this is a high-end project that is much needed in Mariner's Mile by providing new jobs and redevelopment to the area, underground parking is not a consideration and stated that the front portion of the parking structure is not covered over a ramp but noise can be controlled because the third floor is employee and valet parking.

Mr. Stoutenborough, , addressed lighting issues in the parking structure, noise emanating from the north side of the parking structure and the mechanism that will eliminate fumes and odor from the restaurants' kitchens.

Discussion ensued between Bob Matson, Traffic Consultant, John Vang, Environmental Consultant, Mr. Ridgeway, Mr. Stoutenborough, the Commission and Staff regarding the 4-hour concrete wall enclosing the parking structure which would eliminate any light or noise from escaping the structure, the proposed color and materials to be used for the roof of the parking structure, site plan for the third level of the parking structure, a potential light-colored roof for the parking structure, the varying roof heights of the parking structure, westerly elevation of the parking structure, whether or not the roof covers the ramp, the zero-lot line variance, the shadow and aesthetic impact because of the size of the structure on the adjacent properties, the potential precedent this project might set in Mariner's Mile, the project trip assignment, approximately 48 trips turning in and 36 trips exiting the parking structures' driveways in aggregate at p.m. peak hours, the lack of detail provided for the parking structures' roof, the partial roof design, the fact that the parking structure requires its own discretionary action, review and public hearing because it is adjacent to residential homes, the fact that this project is seeking variances from the Zoning Code, potential impacts on residents, the narrowness of the property, and the project owners' lack of experience as a shopping center operator.

Commissioner Hillgren made a motion to deny items 1-7 and not approve the project.

Commissioner Hawkins suggested amending the motion to "deny without prejudice" allowing the applicant to bring the project back sooner than what the code would allow.

Principal Planner Campbell stated that denying the item without prejudice means the applicant could come back with a different project that might address the concerns of the Commission allowing the applicant, to the extent that this item is not appealed, to rescale the project and file it in thirty days if he so wishes.

Community Development Director Brandt clarified that a motion to deny without prejudice gives the applicant the ability to resubmit the same project with no limitation in terms of subsequent applications and no limitation on the time frame that the applicant has in resubmitting the project.

Discussion ensued among the Commissioners regarding the need to develop the site, the project setting a precedent for future similar projects and the identification of significant long term offsite parking to support any project developed on the site in question.

Motion made by Commissioner Hillgren and seconded by Commissioner Hawkins, and carried (5 – 0) with to deny the item without prejudice.

AYES: Hawkins, Hillgren, McDaniel, Toerge and Unsworth
NOES: None.
ABSENT: Ameri (recused), Eaton (excused)
ABSTAIN: None.

Chair McDaniel stated that the Mitigating Negative Declaration is not necessary because of the previous vote.

I. NEW BUSINESS – None.

J. STAFF AND COMMISSIONER ITEMS

ITEM NO. 6 Community Development Director's report.

None.

ITEM NO. 7 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

Commissioner Toerge asked whether any progress has been made on State legislation regarding solar panels. Staff explained that the draft solar regulations and Planning Commission recommendations would be going before the City Council later this summer.

ITEM NO. 8 Request for excused absences.

None.

ADJOURNMENT - The Planning Commission adjourned in honor of Susan M. Trager at 10:12 p.m. to 6:30 p.m. on July 7, 2011.